

the Examiner for noting this error and have made appropriate correction to the claims.

In addition, the Examiner rejected claim 1 as vague in view of applicants' previous arguments. In answer to the Examiner's inquiry, Claim 1 recites "[a] composition" that includes "perillyl aldehyde" and "at least one inactive ingredient." Claim 1 further recites that "the concentration of perillyl aldehyde is sufficient to inhibit the growth of fungi and bacteria." In addressing the Examiner's previous rejection, applicants noted that "perillyl aldehyde alone has both antifungal and antibacterial properties." By this explanation, applicants did not in any way intend to suggest that the composition did not include any inactive ingredient(s). Rather, applicants merely intended to suggest that perillyl aldehyde and not the inactive ingredients provide the recited antifungal and antibacterial properties.

Finally, the Examiner objected to claim 11 on the grounds that "the at least one inactive ingredient comprises water" is vague and indefinite. It is respectfully submitted that, as amended, this element has antecedent basis and is neither vague nor indefinite. According to the plain language of the claim, there is at least one inactive ingredient, which includes water and may include additional inactive ingredients. Similar analysis applies to objection made to claim 17. If the Examiner

continues to believe that this language is either vague or indefinite, applicants respectfully request that that he contact the undersigned attorney for a telephone interview and that he suggest an alternative in the interest of expediting the prosecution of this application.

Conclusion

For the forgoing reasons, it is respectfully submitted that the application stands in condition for allowance. The Examiner's further consideration and favorable action are respectfully requested.

Respectfully submitted,

April 16, 2003

By: 

Heath W. Foglund
Registration No. 41,076
256 Eleanor Roosevelt
San Juan, PR 00918
Tel.: (787)772-9200
Fax: (787)772-9533

APPENDIX A

1. (Amended) A composition suitable for use as a fungicide and a bacteriacide comprising perillyl aldehyde, and [the] at least one inactive ingredient, wherein the concentration of perillyl aldehyde is sufficient to inhibit the growth of fungi and bacteria.
6. (Amended) The composition of claim 1, wherein the composition comprises a cream and wherein the inactive ingredients comprise [the] at least one alcohol.
7. (Amended) The composition of claim 6, wherein the at least one alcohol[s are] is selected from the group consisting of hexadecanol, octadecanol and propanediol.
8. (Amended) The composition of claim 6, wherein the inactive ingredients further comprise an acid and mineral oil.
10. (Amended) The composition of claim 1, wherein the composition comprises a gel and wherein the inactive ingredients comprise DI water and Tween 60.
15. (Amended) A composition capable of inhibiting the growth of a fungus or a bacteria comprising perillyl aldehyde, and

[the] at least one inactive ingredient, wherein the concentration of the [the] at least one inactive ingredient is greater than the concentration of perillyl aldehyde.

16. (Amended) The composition of claim 15, wherein the composition comprises a cream and wherein the inactive ingredients comprise [the] at least one alcohol.

20. (Amended) The composition of claim 15, wherein the composition comprises a gel and wherein the inactive ingredients comprise DI water and Tween 60.

25. (Amended) A method of inhibiting the growth of bacteria and fungi by application of a composition having [the] at least one active ingredient and [the] at least one inactive ingredient, wherein the at least one active ingredient comprises perillyl aldehyde.

26. (Amended) The method of claim 25, wherein the at least one inactive ingredient comprises [the at least one] alcohol.

27. (Amended) The method of claim 26, wherein the [at least one] alcohol is selected from the group consisting of hexadecanol, octadecanol and propanediol.

28. (Amended) The method of claim 26, wherein the at least one inactive ingredient further comprises an acid and mineral oil.